

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BLUE CROSS & BLUE SHIELD OF
RHODE ISLAND,

Plaintiff,

C.A. No. 09-317L

JAY S. KORSEN and IAN D. BARLOW,

Defendants.

ORDER

Ronald R. Lagueux, Senior United States District Judge.

Plaintiff's Motion to Dismiss Defendants' Amended Counterclaims was heard before this Court on February 16, 2011. The Court hereby denies Plaintiff's motion as to Defendants' first counterclaim, alleging that Plaintiff's conduct constitutes a violation of ERISA, 29 U.S.C. §§ 1132 and 1133. The Court grants Plaintiff's motion as to Defendants' second amended counterclaim for breach of contract, based on the determination that this claim is preempted by ERISA. This ruling pertains to both Defendants, and both Amended Counterclaims.

ENTER:



Ronald R. Lagueux
Senior United States District Judge

Date: 2/16/11

So Ordered: